

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
JERRY EDWARD MCCALLISTER JR. AKA TEAR DROP
MCCALLISTER
DOB [REDACTED] SSN [REDACTED]

Case No. *2:20-mj-745*

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

See attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 1201(c)	Conspiracy to Commit Kidnapping
18 U.S.C. § 1201(d)	Attempted Kidnapping

The application is based on these facts:

See attached affidavit.

Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Jeremy Copeland, Task Force Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/30/2020

City and state: Columbus, Ohio




Judge's signature

Elizabeth Preston Deavers, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF:
JERRY EDWARD MCCALLISTER JR. AKA
TEAR DROP MCCALLISTER
DOB [REDACTED] SSN [REDACTED]

Case No. 9-20-mj-7A5

AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE

I, Jeremy Copeland, a Law Enforcement Agent with the Department of Homeland Security, United States Border Patrol, assigned to the Homeland Security Investigations Columbus office, hereinafter referred to as Affiant, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search: JERRY EDWARD MCCALLISTER JR., a/k/a TEAR DROP MCCALLISTER, with a Date of Birth of [REDACTED] and Social Security Number [REDACTED], and further described in Attachment A for the items described in Attachment B.

2. Affiant has been a law enforcement agent of the Department of Homeland Security, United States Customs and Border Protection, United States Border Patrol since June of 2008. Affiant has over 12 years of total law enforcement training and experience to include, but not limited to, the detection and apprehension of undocumented foreign nationals, the detection and investigation of the sale/use of fraudulent documents and the apprehension of fraudulent

document users (imposters), and the detection and arrest of narcotics and human smugglers/traffickers and other criminal individuals. Affiant has been trained in the laws of search and seizure at the United States Border Patrol Academy in Artesia, New Mexico and has received subsequent training in the utilization, preparation, and execution of search and seizure warrants as a member of a Sector Intelligence Unit.

3. Affiant has over five years specialized experience as a member of a Sector Intelligence Unit, for the purposes of conducting intelligence driven operations, collection, and investigations. Affiant has interviewed, witnessed the interview of, and participated in the debriefing of numerous illegal aliens and criminals. Through this experience Affiant has gained in depth knowledge concerning the trade of fraudulent documents and smuggling techniques. Affiant has investigated both criminal and administrative violations of law pertaining to immigration, identity theft, and other federal crimes.

4. Affiant is currently assigned to the Department of Homeland Security - Homeland Security Investigations Office, Columbus, as a Task Force Agent. As such, Affiant has been directly involved in and supported all aspects of criminal investigation to include interviewing subjects, gathering facts, correlating information, and building criminal cases for prosecution in the Southern District of Ohio.

5. The statements contained herein are based on an investigation conducted by your Affiant, my experience and training as a Task Force Agent with Homeland Security Investigations, and other relevant information provided to me by other Law Enforcement Officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of your Affiant's knowledge about this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are

related in substance and in part only. All dates are on or about the specified date.

6. The Department of Homeland Security is currently investigating JERRY EDWARD MCCALLISTER JR. (MCCALLISTER) for violations of 18 U.S.C. § 1201(c) and (d) as it relates to the conspiracy to commit kidnapping and attempted kidnapping of two victims. As part of the second attempted kidnapping, the suspects were believed to be wearing police jackets and hats. These items, which were seized from co-defendant DENIA AVILA's hotel room, were sent to the Ohio Bureau of Criminal Investigation (BCI) lab and a CODIS, the law enforcement database, hit returned on a black jacket with an ICE patch to MCCALLISTER. However, a current sample is needed to confirm the findings of the laboratory. Thus, this Affidavit is being submitted for the limited purpose of demonstrating probable cause to obtain a DNA sample from MCCALLISTER.

PROBABLE CAUSE

7. On November 25, 2019, at approximately 5:26 a.m., in the area of the 4400 block of English Lavender Place an attempted kidnapping of two individuals occurred. VICTIM 1 and VICTIM 2 (VICTIM 1's girlfriend) had just entered VICTIM 1's vehicle. As VICTIM 1 fastened his seat belt with the driver's door still ajar, two males wearing all black with black face masks approached from the rear of the vehicle. One of the men then used a Taser on VICTIM 1's neck and attempted to remove him from his vehicle. VICTIM 2 observed the incident from the passenger seat and began to scream, which caused the male to pause the use of the Taser. At that point, VICTIM 1 was able to push the attacker back, and the two males fled on foot. VICTIM 1 stated he believed the suspects were trying to kidnap him and VICTIM 2 and steal the truck.

8. On December 4, 2019, at approximately 5:27 a.m., Hilliard Police Officers were dispatched to the 4400 block of English Lavender Place for a second attempted kidnapping of

VICTIM 1 and VICTIM 2. The caller, later identified as VICTIM 1, stated his girlfriend, VICTIM 2, got into his CHEVY Silverado truck to go to work. VICTIM 1 left in a different vehicle. Before VICTIM 2 could pull the truck out of the parking spot to go to work, she was blocked in by a black Mercedes Benz in her parking spot. VICTIM 2 stated two males then confronted her wearing black jackets that said, "Police" in the form of a patch on the jackets. The men had a photograph of VICTIM 1 and were yelling at VICTIM 2, "Police, open the door." The males were pulling on the car door handle in an attempt to open the car door. VICTIM 1 noticed the altercation after VICTIM 2 began honking the vehicle horn. VICTIM 2 was blocked in by the Mercedes, and fearing for her safety, she drove her vehicle over the curb, across a patch of grass, and fled the area. The men followed her to area of Anson Dr. and Leap Rd. VICTIM 2 turned down Anson Dr. and the suspects continued on Leap Rd. VICTIM 2 stated she did not believe they were police because she saw no badges, guns/duty belts. The males were also wearing tennis shoes and driving a Mercedes Benz.

9. On July 16, 2020, federal agents arrested MCCALLISTER, as well as others, including DENAI AVILA, in connection with charges arising from an Indictment for Conspiracy to Commit Kidnapping, Attempted Kidnapping and Conspiracy to Impersonate a Federal Agent. A DNA sample was collected by the United States Marshal's as part of the arrest process.

10. On or about September 1, 2020, a black jacket with an ICE patch was sent to the Ohio Bureau of Criminal Investigation (BCI) for DNA analysis. This black jacket with an ICE patch was located in the hotel room of co-defendant and co-conspirator DENIA AVILA during the execution of a search warrant on December 5, 2019. The victims also reported that the kidnappers had been wearing black jackets with police insignia at the time of the attempted kidnapping on December 4, 2019. As noted above, MCCALLISTER is charged with both the

conspiracy and the attempted kidnapping committed on December 4, 20219.

11. On or about October 28, 2020, Detective Winter of the Hilliard Police Department received a phone call from the Ohio Bureau of Criminal Investigation (BCI) stating that there was a CODIS hit on MCCALLISTER from the black jacket with an ICE patch. A confirmation sample from MCCALLISTER must be acquired and analyzed to provide a conclusion about the possible DNA association.

CONCLUSION

12. Based on the facts set forth in this Affidavit, there is probable cause to believe that violations of 18 U.S.C. § 1201(c) and (d) (Conspiracy to Commit Kidnapping and Attempted Kidnapping) have been committed by JERRY EDWARD MCCALLISTER JR., AKA TEAR DROP MCCALLISTER. Also, there is probable cause to believe that evidence of this offense, as described in Attachment B, will be found on the person described in Attachment A.

Respectfully submitted,



Jeremy Copeland, Task Force Agent
Department of Homeland Security
Homeland Security Investigations, Columbus

Sworn to before me, and subscribed in my presence, this 30th day of October 2020, at Columbus, Ohio.


ELIZABETH A. PRESTON-DEAVERS
United States Chief Magistrate Judge

ATTACHMENT A

The person to be searched is JERRY EDWARD MCCALLISTER JR., AKA TEAR DROP MCCALLISTER, further described as Ohio driver's license number: [REDACTED], DOB: [REDACTED]
[REDACTED], SSN: [REDACTED]



ATTACHMENT B

ITEMS TO BE SEIZED

The items to be seized are saliva and topical and/or oral skin cells from the person of JERRY EDWARD MCCALLISTER JR AKA TEAR DROP MCCALLISTER, as further described in Attachment A. A law enforcement officer will obtain these items by employing standard DNA collection procedures, which will include the use of one or more oral swabs.